

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Miller et al. Confirmation No.: Unassigned
Serial No.: Unassigned Group Art Unit: Unassigned
Filed: Herewith Examiner: Unassigned
Title: NON-DISRUPTIVE RECONFIGURATION OF A
PUBLISH/SUBSCRIBE SYSTEM

To: Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Communication to U.S. Patent and Trademark Office

Dear Sir:

Applicants are filing herewith a continuation application, which is a continuation of pending U.S. Patent Application 09/280,534, filed on March 30, 1999 (hereinafter the parent application). This continuation application has a filing date after November 29, 1999 enabling applicants to employ the provisions of 35 U.S.C. §103(c).

In particular, in an Office Action dated April 24, 2003 issued for the parent application, various of the claims were rejected as being obvious over Banavar et al. (U.S. Patent No. 6,336,119) in view of Bader et al. (U.S. Patent No. 6,112,249). Both Banavar and Bader issued after the filing date of the parent application, and therefore, potentially qualify as prior art under 35 U.S.C. 103 via §102(e). Without acquiescing to this rejection in any way, applicants are removing this art under §103(c).

Applicants respectfully submit that under 35 U.S.C. 103(c) Banavar and Bader, each of which is owned by International Business Machines Corporation, as indicated in the assignment records of the United States Patent and Trademark Office at Reels/Frames 010664/0313 and 8581/856, respectively, are not valid prior art for applications filed after November 29, 1999, including applications filed as continuations after that date. In particular, §103(c) states:

Subject matter developed by another person, which
qualifies as prior art only under one or more of subsections e, f,
and g of section 102 of this title, shall not preclude patentability
under this section where the subject matter and the claimed

invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Thus, Banavar and Bader are not valid prior art.

Moreover, in the Office Action of the parent application, the disclosure was objected to because patent numbers and/or application numbers were missing from pages 1, 11 & 12 of the application. In this continuation application, applicants have provided the requested information. Further, the objections to the drawings have been addressed in the drawings enclosed herein.

Yet further, it was stated that a legible copy of various of the publications were missing from the originally filed Information Disclosure Statement. Although applicants respectfully submit that those references were included, as indicated by the stamped postcard, applicants are providing herewith a new set of all of the references. Additionally, applicants have included the references that were cited in the parent application.

Should the Examiner wish to discuss this case with applicants' attorney, please contact applicants' attorney at the below listed number.

Respectfully submitted,

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Dated: July 18, 2003.

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